



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FURR LAW FIRM
2622 DEBOLT ROAD
UTICA, OH 43080

COPY MAILED

JUL 01 2008

In re Application of Saguy :
Application No. 10/063,108 :
Filing Date: March 21, 2002 :
Attorney Docket No. 001 010 :

OFFICE OF PETITIONS
Decision on Petition

This is a decision on the petition under 37 CFR 1.181 filed March 20, 2008, requesting the Office withdraw the holding of abandonment.

The petition is **granted**.

This application was held abandoned for failure to file a proper reply to the final Office action mailed December 23, 2005.

The petition does not dispute the fact the application is abandoned. Instead, the issue raised by the petition is the date of abandonment.

The date of abandonment is important because a continuation application was filed on June 23, 2006.

Petitioner asserts a request for a three-month extension of time was mailed June 23, 2006. Petitioner has supplied a copy of the request and a sheet containing a certificate of mailing dated June 23, 2006.

The sheet with the certificate of mailing refers to "this document, and attachments, if any." The sheet does not specifically identify the request for a three-month extension of time.

MPEP 512(I) states, with emphasis added,

- (B) When possible, the certification should appear on a portion of the paper being submitted. However, if there is insufficient space to make the certification on the same paper, the certification should be on a separate sheet securely attached to the paper.
- (C) When the certification is presented on a separate sheet, that sheet must (1) be signed **and (2) fully identify** and be securely attached to **the paper it accompanies**. The required identification should include the serial number and

filing date of the application as well as the type of paper being filed, e.g., reply to rejection or refusal, Notice of Appeal, etc. An unsigned certification will not be considered acceptable.

Moreover, without the proper identifying data, a certification presented on a separate sheet will not be considered acceptable if there is any question or doubt concerning the connection between the sheet and the paper filed.

The fact the sheet with the certificate of mailing failed to fully identify the paper it accompanied weakens the showing under 37 CFR 1.8(b). However, as stated by petitioner, Office PALM entry records for the instant application indicate for the date June 23, 2006, states, "REQUEST FOR EXTENSION OF TIME - GRANTED." The PALM entry, in conjunction with the showing under 37 CFR 1.8(b), is sufficient to prove a request for a three-month extension of time was timely filed.

Office records will be corrected to show a date of abandonment of June 24, 2006, for the instant application.

The payment of \$60 on April 24, 2006, and \$60 on May 26, 2006, can be applied towards the three-month extension of time requested June 23, 2006. Therefore, only \$390 has been charged to petitioner's deposit account for the fee.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions